

APPROVED MINUTES
FLATHEAD COUNTY BOARD OF ADJUSTMENT
April 4, 2023

Note: These minutes are paraphrased to reflect the proceeding of the Flathead County Board of Adjustment meeting, per MCA 2-3-212

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. at the 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200, Kalispell, Montana. Board members present were Tobias Liechti, Tom Davis, and Jim Dyon. Cal Dyck and Roger Noble had excused absences. Erik Mack and Larissa Van Riet represented the Flathead County Planning & Zoning Office.

There were 4 members of the public in attendance at the meeting.

[06:00:00 PM \(00:00:03\)](#)

A. Call to order and roll call.

[Citizen Member - Cal Dyck: Absent](#)

[Citizen Member - Jim Dyon: Present](#)

[Citizen Member - Roger Noble: Absent](#)

[Citizen Member - Tobias Liechti: Present](#)

[Citizen Member - Tom Davis: Present](#)

[06:00:43 PM \(00:00:46\)](#)

B. Approval of the March 7, 2023 meeting minutes

[Citizen Member - Jim Dyon: Motion](#)

[Citizen Member - Tom Davis: 2nd](#)

[Citizen Member - Cal Dyck: Absent](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Absent](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

[06:01:01 PM \(00:01:04\)](#)

C. Election of Officers

Tabled until full Board is present.

D. Public comment on public matters that is within the jurisdiction of the Board (2-3-103 M.C.A.)

[06:01:17 PM \(00:01:20\)](#)

E. The Board will hold public hearings on the following agenda items. Following the public hearings, Board discussion, and the adoption of findings of fact, the Board may make a decision on the requests.

1.FCU-23-02 A request from Hesston Clement for a Conditional Use Permit for a 'Home Occupation' to allow for a gunsmith business on property located at 133 Fox View Trail, Kalispell, MT. The property is located within the Highway 93 North Zoning District and is zoned *SAG-10 (Suburban Agricultural)*. The total acreage involved in the request is approximately 5.013 acres.



Staff Report



Application



Site Plans

Larissa Van Riet reviewed Staff Report FCU-23-02 for the Board.

Applicant Comment:

Hesston Clement, 133 Fox View Trail, expressed his reason for application. Applicant stated that he would like to run the business out of a second structure on the family property.

Agency Comment:

None

Public Comment:

Garrett Clement, 133 Fox View Trail, spoke in support of proposal. He stated that the structure to be used for the business has no bathroom, just an office and a working area. He stated Hesston is just starting out in business. He stated that the applicant wants to do conduct business in a dwelling separate from family dwelling.

Applicant Rebuttal:

Hesston Clement, answered questions for Board. Applicant stated no test firing on the property. He stated that he will be using a firing range for test firing. Applicant stated that he will not be machining things. Applicant stated that his business will currently focus on repair. He stated that his business will be conducting repairs the old school way with no hazardous material.

Board Discussion

[06:10:07 PM \(00:10:10\)](#)

Motion to Adopt Staff Report FCU-23-02 as Findings-of Fact

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Jim Dyon: 2nd](#)

[Citizen Member - Cal Dyck: Absent](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Absent](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

[06:10:39 PM \(00:10:42\)](#)

Motion to Amend Condition #18 of Staff Report FCU-23-02

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Jim Dyon: 2nd](#)

[Citizen Member - Cal Dyck: Absent](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Absent](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

[06:12:05 PM \(00:12:08\)](#)

Motion to approve FCU-23-02

[Citizen Member - Jim Dyon: Motion](#)

[Citizen Member - Tom Davis: 2nd](#)

[Citizen Member - Cal Dyck: Absent](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Absent](#)

[Citizen Member - Tobias Liechti: Approve](#)

[Citizen Member - Tom Davis: Approve](#)

[06:12:41 PM \(00:12:44\)](#)

F. Old Business

Text Amendment for Short-Term Rentals is being heard by the Planning Board next week.

[06:14:45 PM \(00:14:48\)](#)

G. New Business

[06:15:08 PM \(00:15:11\)](#)

H. Adjournment

Approved on 5/02/2023 on a Roll Call Vote 3 to 2 – Dyck and Noble Abstained